

BDAC GOVERNANCE WORK GROUP
Draft Meeting Summary
June 30, 1999

The BDAC Governance Work Group held its 22nd meeting on June 30, 1999, from 1:00 PM until 4:00 PM in Room 1131 of the Resources Building.

Co-chairs Hap Dunning and EZE Burts convened the meeting. Other BDAC Members present included Byron Buck, Roberta Borgonova, Bob Raab.
See attached sign up sheet for others present.

Meeting Summary. The meeting summary of April 22 was reviewed. There were no additions or corrections.

Overview of June Draft Governance Plan

Kate Hansel presented a summary of the draft Governance Plan that is one chapter of the Implementation Plan, which is an appendix of the Revised Draft EIR/EIS. The draft Governance Plan includes a discussion of governance functions and principles, based on prior drafts and discussions with the Governance Work Group. The draft Governance Plan also includes a recommendation for Interim Oversight Governance, but there is no recommendation on long term oversight. There is also a discussion of options for long term Ecosystem Restoration Program governance.

There was a discussion among meeting participants about whether regulatory functions should be added to the proposed CALFED functions for governing the ERP. There was not agreement to change the functions to include regulatory duties. It was noted that the integration between regulatory and other program implementation functions should be provided because the agencies with both those functions (for example, DFG, USFWS) will have a role in CALFED implementation which will help with early integration with regulatory requirements.

There was a discussion of the management of the proposed Environmental Water Account and how this would be integrated into ERP management and governance. Some believe that the EWA, to be effective, must be able to operate on a "real time" basis, with a high degree of independence and flexibility, in order to respond to quickly changing operational conditions. Some also have questions about the role of the EWA in maintaining the regulatory baseline. Additionally, there are unresolved questions about what regulatory baseline will be used for EWA operations. CALFED staff will put the topic of EWA governance on the agenda for a future Workgroup meeting.

Schedule for Governance Decisions

A schedule for governance recommendations to BDAC and Policy Group was discussed. CALFED staff want to have agreement on a framework for long term governance by September, so that the Legislature could hold interim hearings if required. This would include recommendations on long term governance (for oversight, ERP and other program elements), and resolving the question whether a new entity (or entities) will be needed for any level of program governance.

Interim CALFED Governance

Some of the specific issues and questions to be presented to BDAC and Policy Group regarding interim governance were discussed.

- Should decision making protocols and processes be more formal?
- How can Policy Group accountability for decisions be clarified?
- Who has the authority to speak for and act for member agencies?
- Are rules on quorum and voting needed? If so, what should they be?

There was discussion of how BDAC would function during the interim implementation period, while oversight governance continues to be vested in the Policy Group. A primary concern of the workgroup was that better communication occur between BDAC and Policy Group rather than relying on CALFED staff to be the intermediary between the two groups. Suggestions included combining BDAC and Policy Group meetings more often and developing a more transparent and public process for Policy Group.

Long-term Governance

CET Governance Workshop. Joe Bodovitz presented a summary report on the workshop conducted by the California Environmental Trust (CET) on CALFED Governance issues held June 16. Joe reported that a written summary of the material presented at the workshop would be compiled and distributed.

A number of meeting participants commented on the workshop and expressed their view that it was a useful and educational discussion. There was some discussion about the utility of additional workshops focused on specific issues, e.g., possible legislation on governance matters. Comments about the workshop included:

- Suggest adding "leadership" as a principle for CALFED governance.
- No single model of governance appears to be the right model but other factors are also as critical as the structure for program success.
- Considering the Valdez model of a Chief Scientist working with an Executive Committee, possibly ERP functions could be housed within a broader CALFED entity as long as there is a strong science basis for the program
- Integrating science and adaptive management was a key theme
- Legislative involvement is critical to success and funding.

There was discussion of whether the Work Group's previous recommendation for a new entity to manage the ERP should be revisited. This arose in part because some participants believe that the models discussed in the CET workshop demonstrate the viability of creating new types of governance structures at the oversight level, with day to day program management and coordination vested at the staff level (i.e., the Chief Scientist working for an Executive Director who reports to a formal oversight group of agencies and possibly stakeholders.) Workgroup members emphasized the need for the ERP Program to have a level of independence to ensure the objectives are met. Also concern was raised that accountability for the ERP may be better housed in a separate entity. The Workgroup generally felt that a new ERP entity was still the preferred choice, but creating a entity that could serve both oversight functions and program management functions (such as the ERP) was a possibility to consider. The sense of the Work Group was the existing recommendation to BDAC on a new entity for ERP should not be changed at this time, but that BDAC should be advised that this recommendation could change, depending on the development of a recommendation for oversight governance.

Next Meeting.

The next Work Group meeting was set for August 25. (Later rescheduled to September 14, 1999.)